

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

DEBORAH ALLAIRE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:08cv19DCB-JMR

LIFE INS. CO. of GA, ET. AL.

DEFENDANTS

MEMORANDUM OPINION

This matter is before the Court regarding Plaintiff's Motion to Dismiss[17-1].

On April 30,2008, Plaintiff's counsel filed a Motion to Withdraw. The hearing was held May 30,2008, Plaintiff did not attend the hearing . The Court found that counsel should be allowed to withdraw. On June 3,2008, the Court sent the Plaintiff a copy of the Order reflecting its consideration of the motion and instructing Plaintiff to retain new counsel or inform the Court that she was proceeding *pro se* prior to June 30,2008 . The Court's June 3,2008 Order set a hearing on July 30,2008 and informed Plaintiff that she or his newly retained counsel must appear. On June 17,2008, the Plaintiff sent the a letter stating “ ‘I have received your correspondence concerning the above lawsuit, As you can see from the attached letters and my fax cover sheet, I have requested several times that my name be removed from this lawsuit. Please advise if there is any further that I need to do to resolve this situation’. Sincerely, Deborah F. Allaire.” Ms .Allaire included a fax cover sheet to her former counsel which repeated her plea to be removed from this suit and explained that she would not be at the May 30,2008 hearing unless she was subpoenaed. Ms Alliare also included a letter to her former counsel which reiterated the sentiment of the aforementioned letters/fax sheet. The Court interpreted this letter and her exhibits as a her Motion to Dismiss her case and finds that she no longer wishes to proceed with this case. Ms. Allaire did not attend the July 30,2008 hearing and has not had any

further communication with the Court. Defendant has not opposed the Plaintiff's Motion to Dismiss.

. Based on the foregoing, this Court is of the opinion that the Plaintiff's Motion to Dismiss is well taken and, therefore, this cause will be dismissed without prejudice. A final judgment in accord with this opinion shall issue.

THIS the 26th day of September, 2008.

s/John M. Roper Sr.
UNITED STATES MAGISTRATE JUDGE